



THE CITY OF SAN DIEGO

108
11/18

OFFICE OF THE INDEPENDENT BUDGET ANALYST REPORT

Date Issued: November 14, 2008

IBA Report Number: 08-116

City Council Meeting Date: November 18, 2008

Item Number: 108

Beach Area Neighborhood Prosecution Initiatives Fund

OVERVIEW

On November 18, 2008, the City Council will be asked to authorize the City Attorney to collect an administrative fee from participants of the Beach Area Community Court, to establish a fund for fee collection, and expend funds for eligible operating expenses of the program.

On September 24, 2008, the Public Safety and Neighborhood Services (PS&NS) Committee received a presentation from the Office of the City Attorney on the Beach Area Community Court, and a proposal to establish a cost-recoverable fee. At the meeting, the IBA requested additional information to review the cost of the program and the analysis related to the establishment of the fee. The Committee recommended that the proposal for a program fee be forwarded to the City Council for its consideration.

FISCAL/POLICY DISCUSSION

The City currently operates several community courts: Mid-City, Downtown, and Beach Area. The community courts operate as a partnership between the City Attorney, the Police Department, and community organizations. First-time offenders are permitted to participate in an educational segment (or community impact panel) and perform community service, as an alternative to receiving a citation and paying fines, and avoid a criminal conviction. Community service provides a valuable contribution by improving affected communities.

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DIVERSITY
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Beach Area Community Court

In September 2005, the City received a Bureau of Justice grant in the amount of \$200,000 as a community court pilot program to establish the Beach Area Community Court. The two-year grant was extended and officially expires on March 31, 2009 and all grant funds have been fully exhausted.

Discover Pacific Beach

Discover Pacific Beach, the business improvement association, serves as the coordinator of the Beach Area Community Court. The City entered into an agreement with Discover Pacific Beach for the grant term for the provision of services related to the community impact panels and community service operations, including supervision and supplies. The City reimburses Discover Pacific Beach based on actual expenses incurred on a monthly basis. Discover Pacific Beach is an eager supporter of the establishment of a fee, in order to defray costs and to allow this successful program to continue.

Following the expiration of the grant term, an extension to the current agreement will be needed, or alternatively, a Request for Proposal (RFP) process may be necessary to identify the most cost-effective and responsive provider of this service in the future. These issues will be handled administratively by the City Attorney, and will not require additional action by the City Council.

Fee Establishment

California Penal Code authorizes fee collection for diversion programs, in order to recover costs, and cannot exceed \$300. The maximum fine for an infraction is \$250, plus any additional court imposed penalty assessments, which a potential community court participant could anticipate to pay. The administrative fee is intended to be structured to recover as much of the costs as possible to assist with funding the program, but to not be so aggressively priced to discourage program participation.

The City Attorney examined program costs, and reviewed the annualized cost per participant as reported by the City's current community court coordinator, Discover Pacific Beach. Their costs per participant total \$35.77 based on the number of participants in 2007. Costs related to the City Attorney are in addition to these amounts. Total costs for the Beach Area Community Court are estimated at \$150,000 per year.

Based on the City Attorney's analysis, it is planned that the anticipated fee will be in the \$40 - \$50 range for each participant. Based on these figures, it is estimated that approximately \$15,000 per year would be collected and utilized to offset program costs.

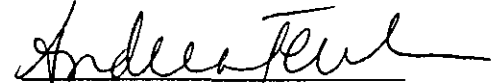
The City Attorney intends to discuss the amount of the fee with the Beach Area Community Court Advisory Board, prior to implementation. The fee is to be set by the City Attorney, and can be modified without further Council approval, should program operations or related costs change, or if attendance is negatively impacted.

CONCLUSION

The IBA recommends that the City Council authorize the City Attorney to collect an administrative fee from participants of the Beach Area Community Court, to establish a fund for fee collection, and expend funds for eligible operating expenses of the program.



Elaine DuVal
Fiscal & Policy Analyst



APPROVED: Andrea Tevlin
Independent Budget Analyst

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COMMITTEE ACTION SHEET

108
11/18

COUNCIL DOCKET OF _____

☐ Supplemental ☐ Adoption ☐ Consent ☐ Unanimous Consent Rules Committee Consultant Review

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Beach Area Neighborhood Prosecution Initiative

☒ Reviewed ☐ Initiated By PS&NS On 9/24/08 Item No. 4

RECOMMENDATION TO:

Information only. IBA Policy Analyst Lisa Celaya commented that the Independent Budget Analyst would like additional data regarding the cost of the program and how the cost recovery rate was determined so that they could evaluate the proposal. Ms. Celaya also expressed concern regarding from where the money from the City would come. The committee members recommended that the proposal for a program fee be forwarded to City Council for its consideration.

VOTED YEA: N/A

VOTED NAY: N/A

NOT PRESENT: N/A

CITY CLERK: Please reference the following reports on the City Council Docket:

REPORT TO THE CITY COUNCIL NO.

COUNCIL COMMITTEE CONSULTANT ANALYSIS NO.

OTHER:

City Attorney's September 17, 2008, memorandum; City Attorney's September 24, 2008, PowerPoint

COUNCIL COMMITTEE CONSULTANT 

000961

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CITY OF SAN DIEGO

MICHAEL J. AGUIRRE
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September 17, 2008

**REPORT TO THE COMMITTEE ON PUBLIC SAFETY
AND NEIGHBORHOOD SERVICES**

BEACH AREA NEIGHBORHOOD PROSECUTION INITIATIVE

INTRODUCTION

The Neighborhood Prosecution Unit of the San Diego City Attorney's Office works in partnership with the San Diego Police Department, other agencies, and the community to aggressively and creatively combat crimes that impact quality of life. The unit has dedicated neighborhood prosecutors working on quality-of-life misdemeanor crimes throughout the City. The unit is developing specific initiatives in furtherance of its mission, goals, and objectives, in this case The Beach Area Neighborhood Prosecution Initiative: The Beach Area Community Court (BACC).

To assist in the funding of these important initiatives, the City Attorney is recommending the establishment of the BACC Neighborhood Prosecution Initiative Fund [Fund] into which offenders participating in BACC will pay administrative fees. These fees will be used to defray the administrative costs of BACC.

BEACH AREA COMMUNITY COURT

Community courts are being implemented across the country as long-term solutions to quality-of-life crime problems. Community courts are decentralized, neighborhood courts that adopt the philosophy of community-oriented criminal justice. This philosophy involves communities and the criminal justice system joining together to improve public safety, neighborhood health and living conditions, and community involvement in restorative justice. Community courts are effective in addressing quality-of-life crime issues because they link the adjudication process with communities, and combine punitive sanctions with rehabilitative sentencing alternatives. Community courts share three common principles:

THE COMMITTEE ON PUBLIC SAFETY
AND NEIGHBORHOOD SERVICES

September 17, 2008

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- Accountability of offenders to the community victimized by quality-of-life crimes;
- Proactive intervention to stop chronic criminal conduct; and
- Direct involvement of community members in the criminal justice process.

The beach area of San Diego was selected as an ideal location for a community court because of the quantity of similar minor crimes, and the active participation of residents and business owners in the community. BACC addresses out-of-custody adult offenders who commit specific infractions in the beach area. The focus is on alcohol-related (open container, consumption of alcohol in public, urination in public) and environmental crimes (smoking on the beach, fire ring violations, dog violations, etc.). BACC concentrates on offenders at the infraction level, where the likelihood of rehabilitation is much higher than at the felony level. Eligibility guidelines have been established to limit participation in BACC to those offenders who, based on criminal history and pending charges, do not appear to pose a danger to the community. Based on statistics from the San Diego Police Department, the estimated average monthly caseload for the BACC is 15 in the winter months and approximately 160 in the summer months.

BACC involves a pre-filing model. Prior to the filing of formal charges, the City Attorney's Office, as the City's misdemeanor prosecutor, will refer appropriate, eligible offenders to BACC. Participation in BACC is voluntary. BACC participants will partake in a community impact panel that fosters dialogue surrounding the impact of quality of life crimes on the beach community. The discussion includes a presentation by a trauma nurse focused on good decision-making, and the negative consequences of alcohol-related accidents. Lastly, they will learn about the impact of these types of crimes from the law enforcement perspective through San Diego Police Officers.

In addition to the panel discussion, participants will perform four hours of community work service in the beach area supervised by a partner community-based organization. If offenders complete both the impact panel and community service, their citation will not be filed and they will not have to pay any additional fines or incur any additional penalties. If offenders fail to complete the program, their citation will be filed and they will have to appear at the Kearney Mesa branch of the San Diego Superior Court as instructed on their citation and deal with their case in the usual course.

The first principle of community courts – accountability of offenders to the community – will be satisfied by requiring offenders to repair the harm they have caused the beach area community by participating in community work service, including picking up trash, painting out graffiti, stenciling the rules on the sea wall and trash cans, and sweeping sand from the boardwalk and beach steps.

The second principle of community courts – proactive intervention to stop chronic criminal conduct – will be met by participation in the community impact panel. This educational segment includes an alcohol assessment tool and referral information for people who may have

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September 17, 2008

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drug or alcohol problems. It also includes valuable information from a health professional about positive decision-making and responsible behavior. The law enforcement portion of the program emphasizes the advantages to law-abiding behavior for the offenders and for the community at large. Since its inception in May 2006, 7,235 people were offered BACC, and 1,090 participants completed BACC. Of those who completed BACC a total of 5 participants committed one subsequent offense, a .45% recidivism rate. During the same time period, of the people who were offered BACC but chose not to participate, 85 people committed one or more subsequent offense (four of those people committed between 3 and 9 additional offenses), a 1.17% recidivist rate. BACC participants have contributed a total of 4,360 hours of community service into the beach area.

The third principle of community courts – direct involvement of the community in the criminal justice process – is satisfied by involving beach area community members in the coordination of the court, the Community Impact Panel, BACC Advisory Board (BACCAB), and in suggesting and supervising community work service projects. This community participation makes justice more visible, accessible, and proactive. The BACCAB represents the beach area's various neighborhoods and business associations. The composition of the board was developed with significant input from community members. The BACCAB focuses on identifying and prioritizing quality-of-life crime issues, and providing community oversight to BACC operations, including input on community work service projects.

BACC sessions are held once a month during the winter months (or every other month if volume is low), and every week during the summer months. The sessions are currently held at a community recreation center.

FUNDING

On April 28, 2005, the Neighborhood Prosecution Unit under the direction of Angie Reddish-Day submitted an application for the Bureau of Justice Assistance's Community-Based Problem-Solving Criminal Justice Initiative. The \$200,000 grant was sought to turn a community court pilot program conducted on August, 2005 into a sustainable program. On September 21, 2005, the San Diego Office of the City Attorney was awarded the \$200,000 grant. This grant was originally meant to expire August 31, 2007, however, on September 6, 2008 our request for an extension until August 31, 2008 was officially granted. Subsequently, BJA automatically extended the grant period per the BJA disaster relief protocol due to the San Diego wildfires. The grant will expire on March 31, 2009. We project that the funds for operational expenses will be exhausted at the end of September of this year (2008).

Once current funding is exhausted, new funding will need to be allocated to continue the BACC. A portion of the funding could come from the establishment of a Fund into which offenders participating in BACC will pay administrative fees. The California Penal Code authorizes fee collection for diversion programs. The goal of these programs is to offer eligible offenders educational and rehabilitative programs to curb future recidivism. Penal Code section

THE COMMITTEE ON PUBLIC SAFETY
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1001.1 provides for the implementation of pretrial diversion programs for misdemeanor offenders, and Penal Code section 1101.15(c) allows for administrative fees to be charged for such programs,

"In addition to the fees authorized or required by other provisions of law, a judge may require the payment of an administrative fee, as part of an enrollment fee in a diversion program, by a defendant accused of an act charged as, or reduced to, a misdemeanor to cover the actual cost of processing a request or application for diversion pursuant to Chapter 2.6(commencing with Section 1000.6), the actual costs of reporting to the court on a defendant's eligibility and the suitability for diversion, the actual cost of supervising the diverttee, and for the actual costs of performing any duties required pursuant to section 100.9, not to exceed three hundred dollars (\$300).

Pursuant to Penal Code section 19.7, all provisions of law relating to misdemeanors apply to infractions unless otherwise provided; therefore, administrative fees may be collected from participants in the Beach Area Community Court.

No offender will be denied participation because of an inability to pay. Offenders unable to pay the administrative fees will be given the opportunity to perform additional community work service to satisfy the fee requirement. The proceeds from these administrative fees will be used to defray the costs of operating BACC.

However, the funding provided by the administrative fees alone will not defray the total costs of operating the BACC. Therefore, the Council, should it desire to continue the operation of the BACC, will need to allocate approximately \$100,000 of funding per year for the program.

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RECOMMENDATION

The Beach Area Community Court has been developed with grant funding from the U.S. Department of Justice. However, a long-term funding source is needed beyond the grant period. If the City Council desires to continue the operation of the BACC, the City Attorney recommends the Council 1) approve an administrative fee to be charged participants to partially offset the program's cost and 2) allocate approximately \$100,000 of funding per year for the continued operation of these innovative, criminal justice programs. The Beach Area Neighborhood Prosecution Initiative will benefit the City's quality of life through accountability of offenders to communities and greater community involvement in the criminal justice process.

Respectfully submitted,

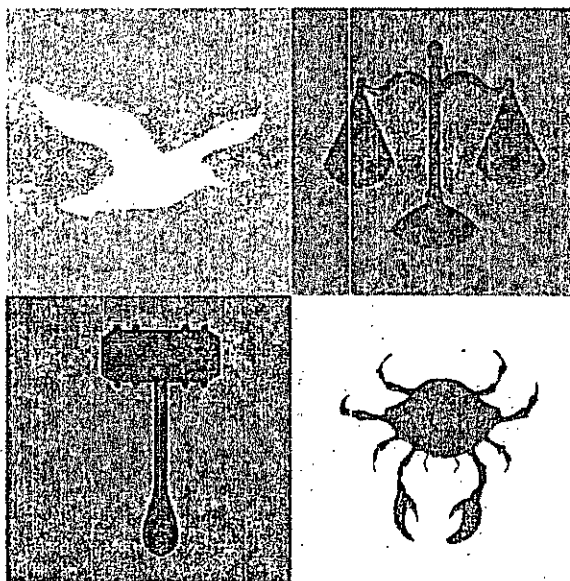
MICHAEL J. AGUIRRE, City Attorney

By 

Paul F. Prather, Deputy City Attorney

San Diego Beach Area Community Court

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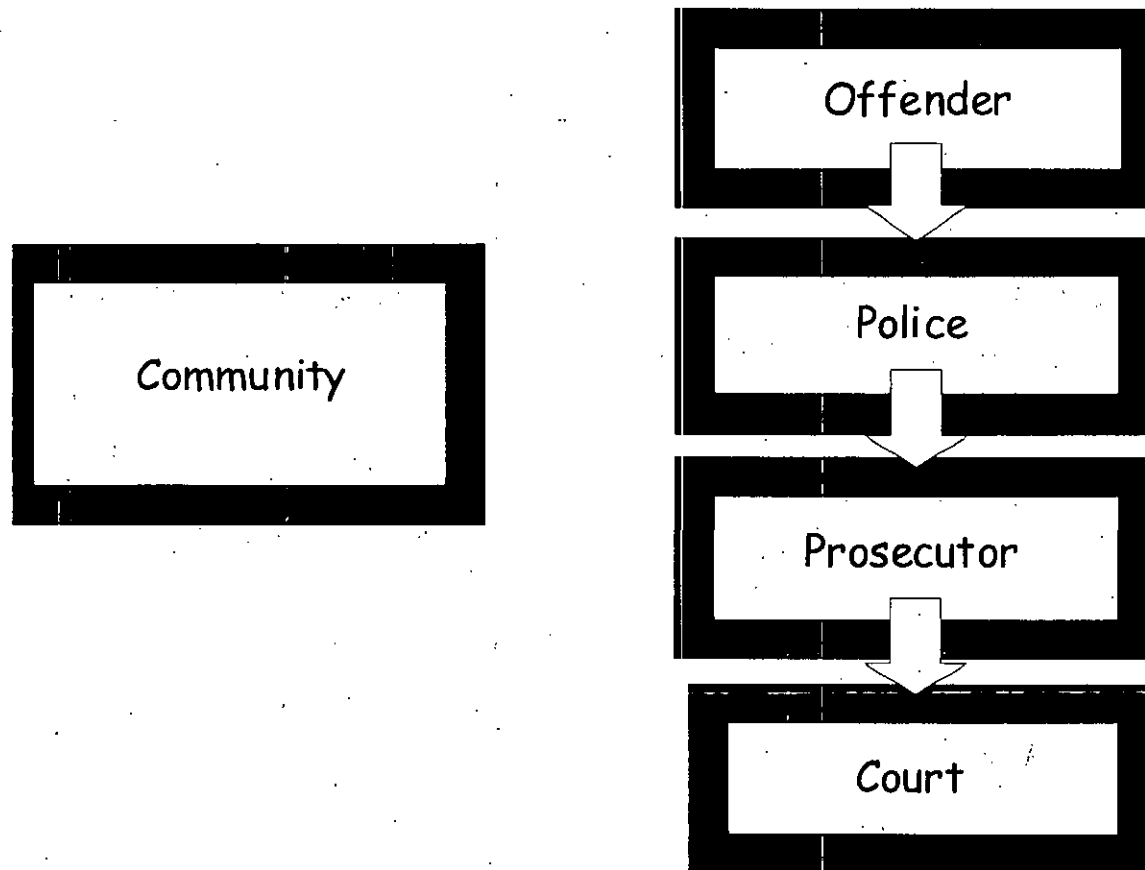
**Presented by The San Diego City Attorney's Office
Neighborhood Prosecution Unit**

Community Courts: Shared Principles

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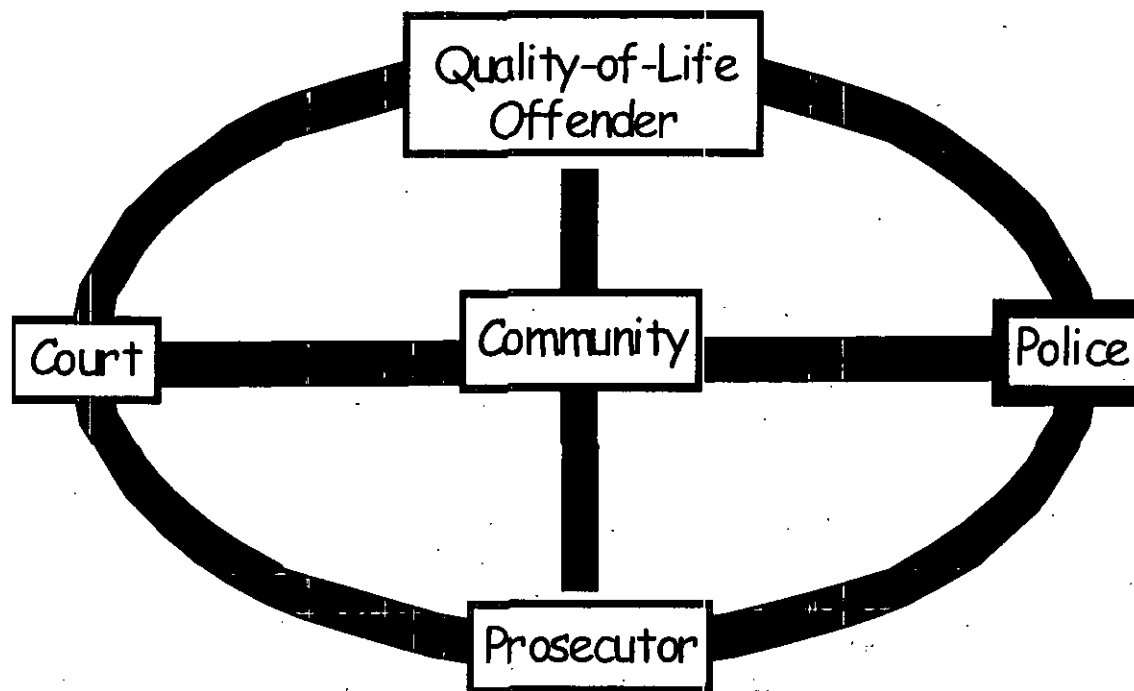
- Accountability of offenders to community victimized by quality-of-life crimes
- Proactive intervention to stop chronic criminal conduct (revolving door)
- Direct involvement of the community in the criminal justice process

Traditional Criminal Justice



Community-Oriented Criminal Justice

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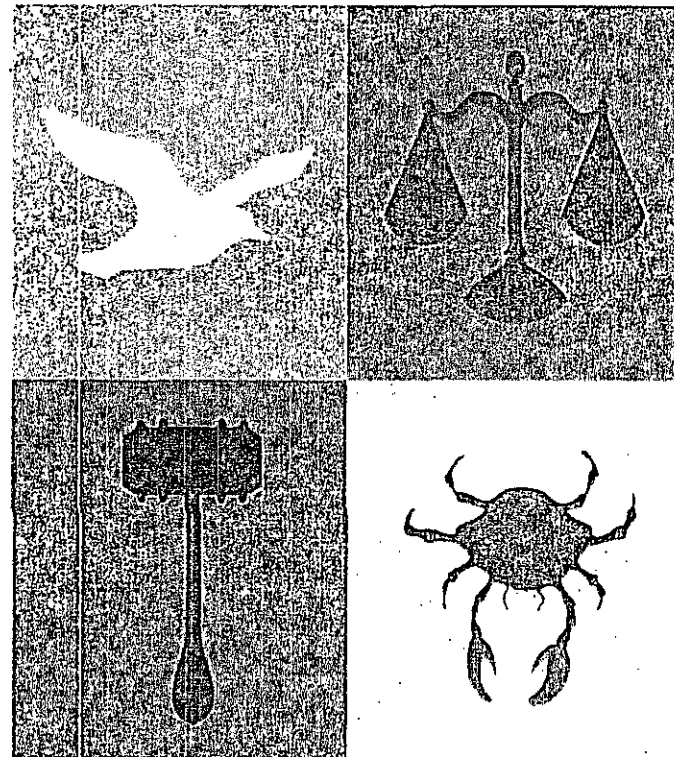
Community Court Models

- Pre-filing (“diversion”)
- Post-filing
- Choice of model depends on needs of community

Beach Area Community Court

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- Launched May 2006
- Northern Division Beach Team
- Pre-Filing Model
- Community Impact Panel
- Community Service Through Discover P.B.
- Advisory Board



Community Court Partners

- **San Diego City Attorney's Office**
- **San Diego Police Department**
- **Department of Park and Recreation**
- **Criminal Justice Agencies**
 - Superior Court
 - Public Defender
- **Community Organizations**
 - Discover Pacific Beach
 - Neighborhood Associations, Town Councils, HOA's, business groups, etc.

Beach Area Quality-of-Life Crimes

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- **Open Alcohol Container**
- **Smoking on the beach**
- **Fire Ring Violations**
- **Dog off a leash**
- **Urinating in Public**
- **Other quality of life municipal code violations**

Community Court Session

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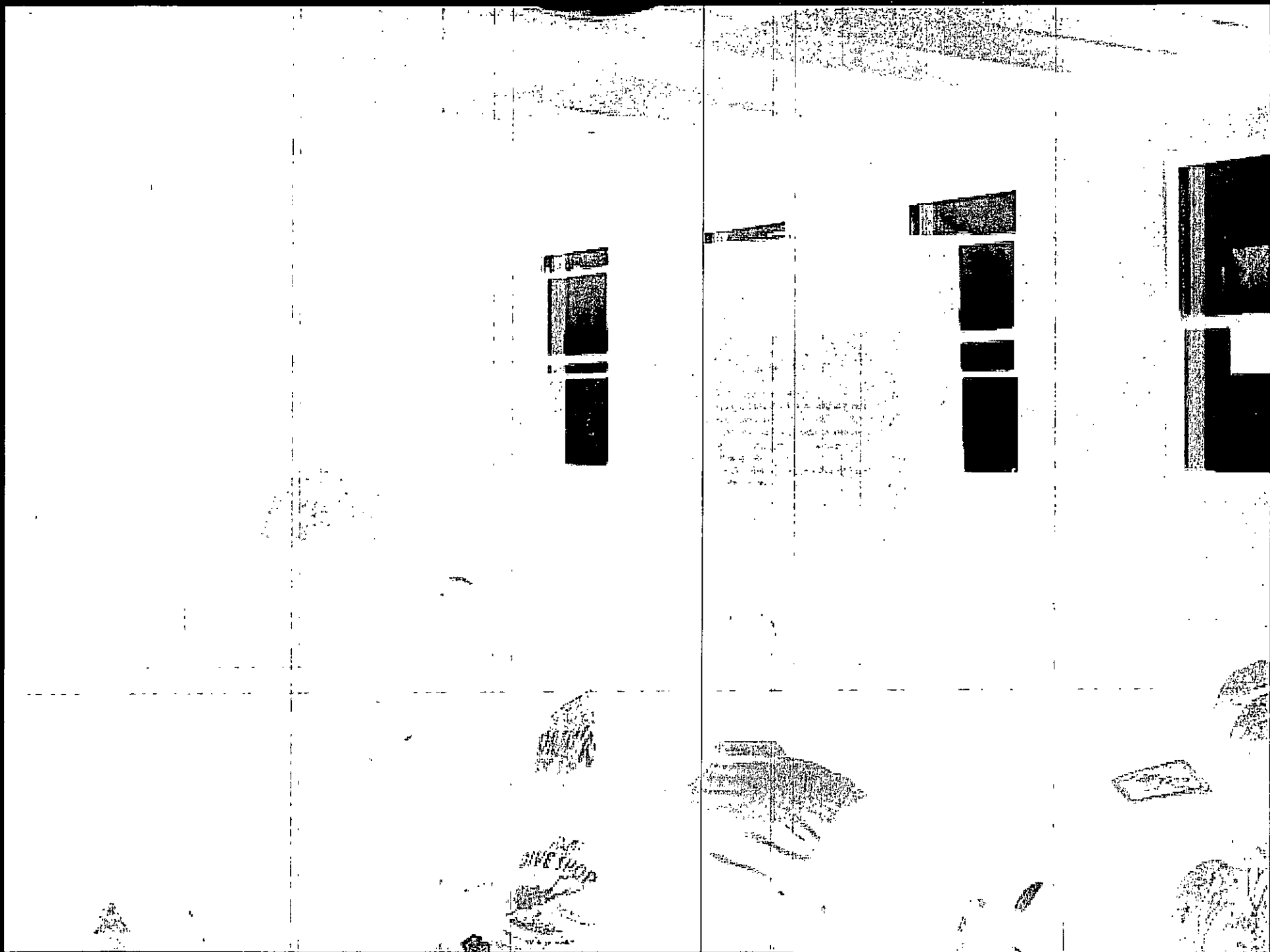
- **Community Impact Panel**
 - **2 hour educational panel**
 - **6 panelists**
 - **community residents, business owners, nurse practitioner, police officer, and prosecutor**

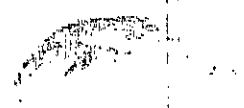
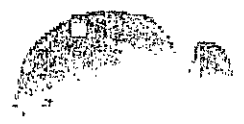
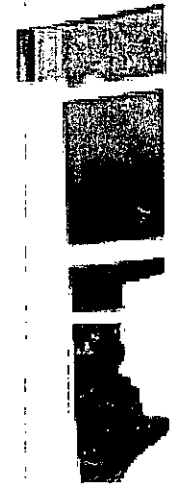
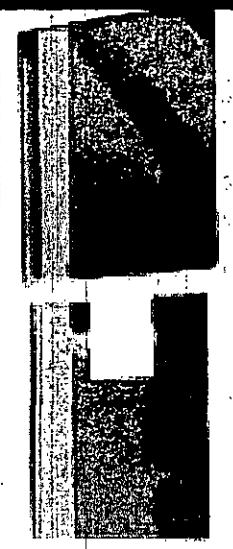
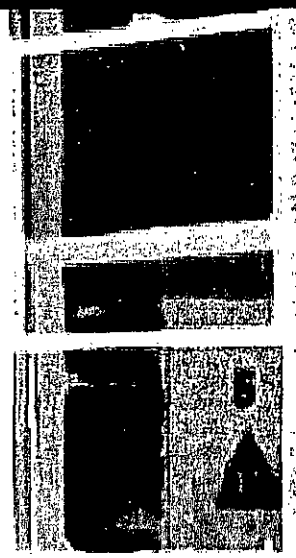
Restorative Justice Sanctions

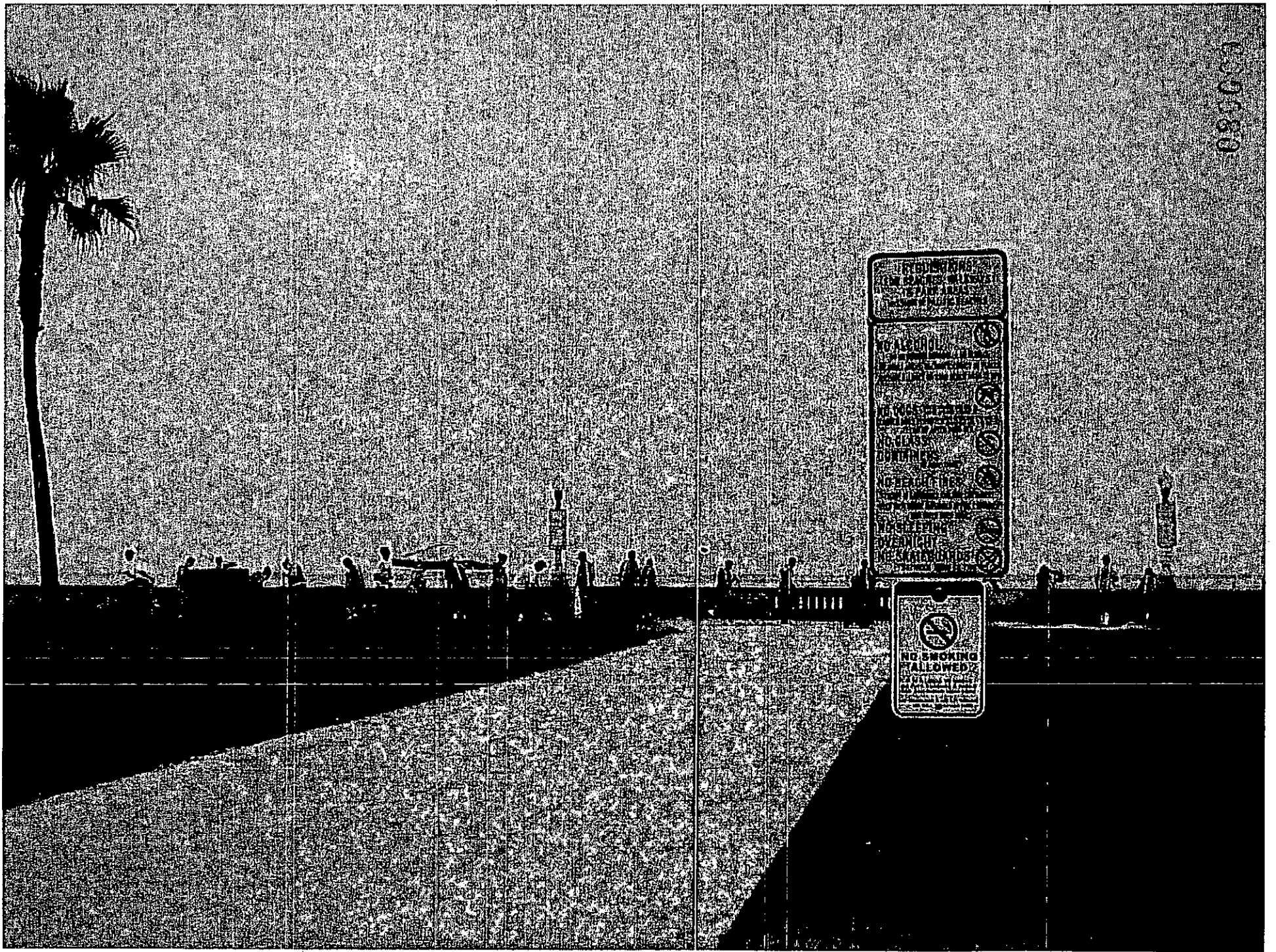
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- **Community Service**
 - 3 hour cleanup event
 - Supervised by coordinator
 - Community gives input on clean-up locations

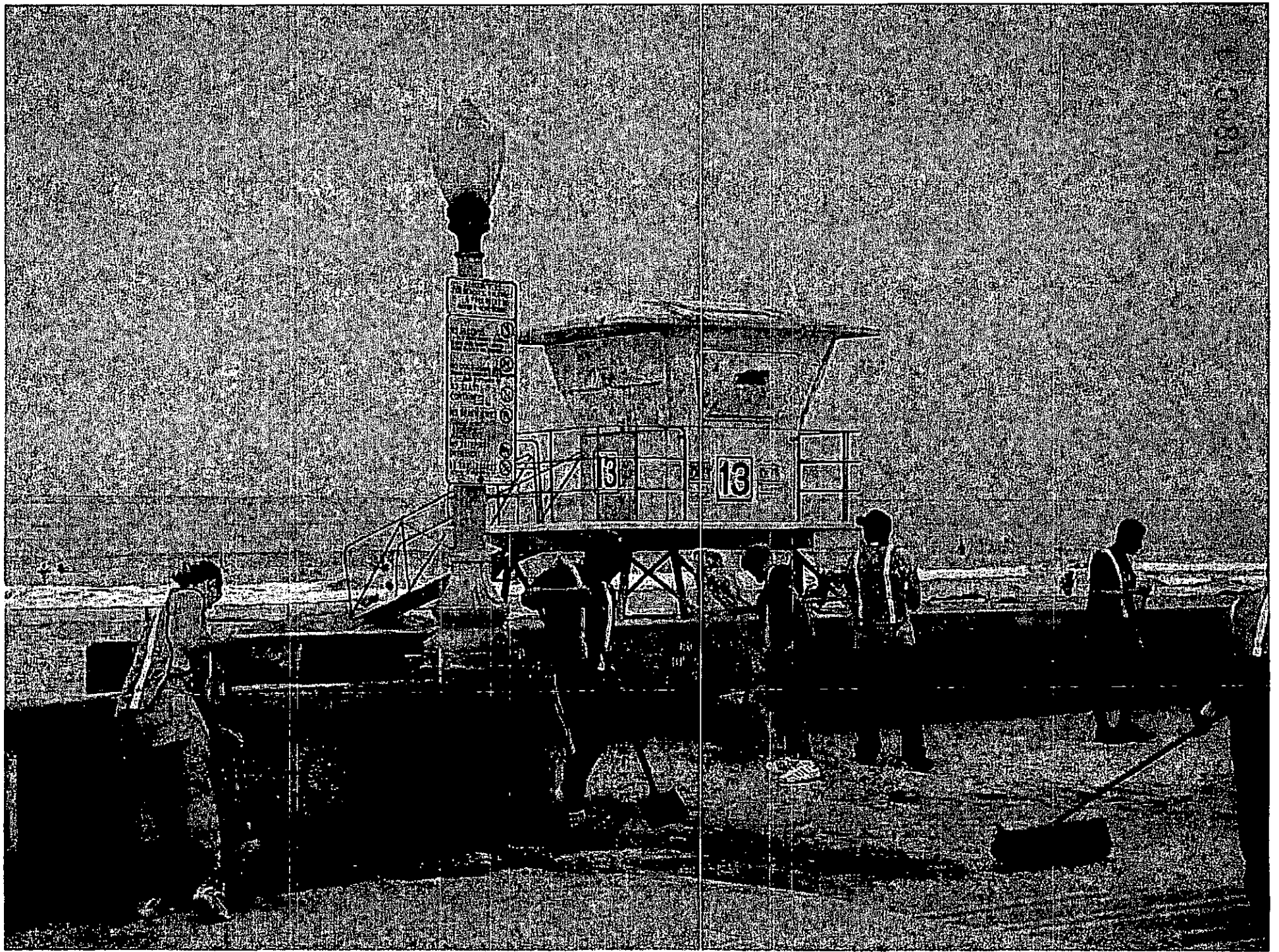






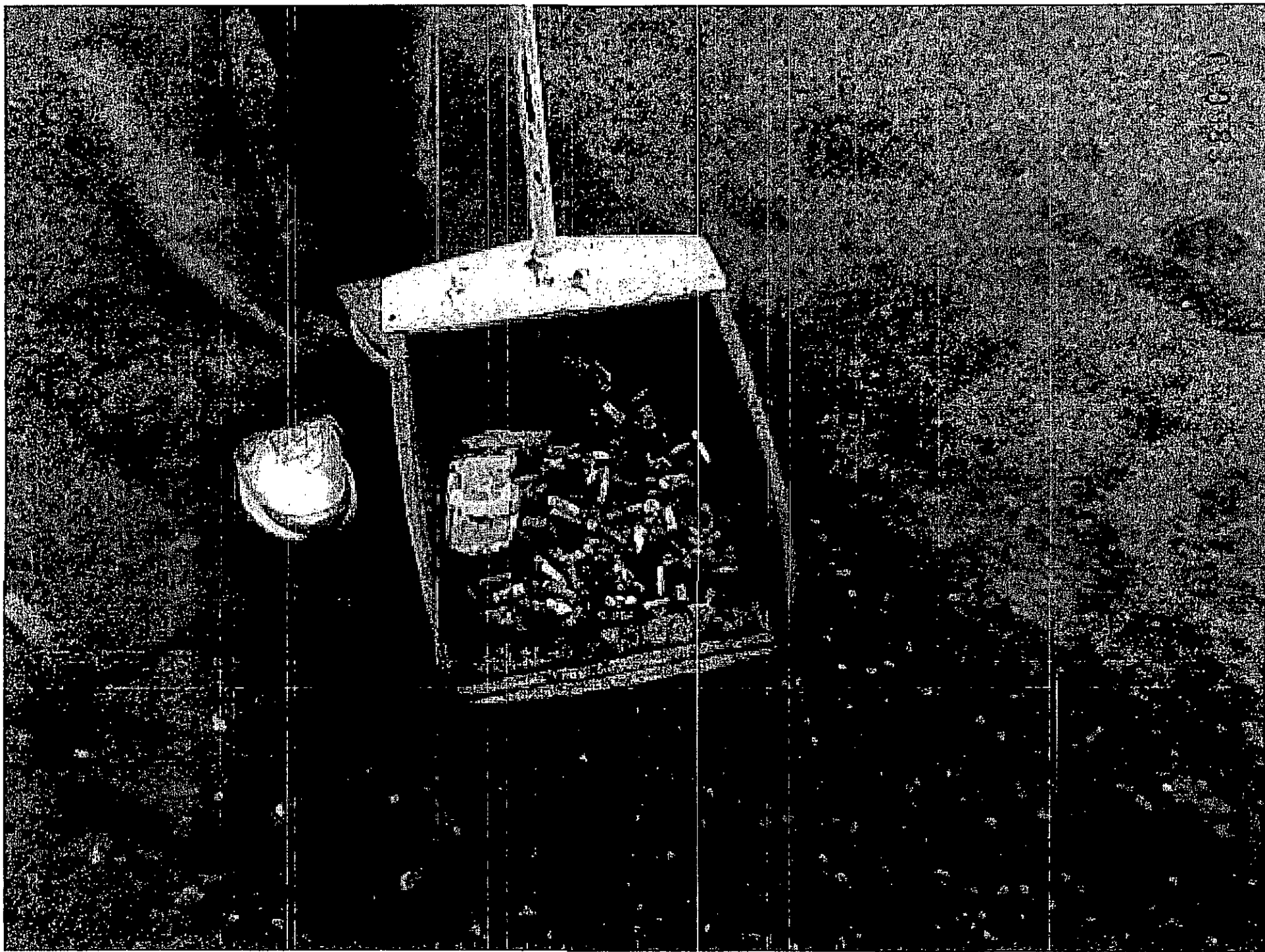


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NO BURNING PALLETS

NO ALCOHOL 8PM-12M

NO GLASS BOTTLES

NO SMOKING

NO FIRES 12AM-3AM

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Statistics 2006 - 2008

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- | • 2006 | • 2007 | • 2008 (through Aug) |
|---|---|--|
| • 957 referrals to BACC | • 2893 referrals to BACC | • 3385 referrals to BACC |
| • 558 Called Hotline | • 775 Called Hotline | • 873 Called Hotline |
| • 71 Ineligible | • 85 Ineligible | • 71 Ineligible |
| • 267 completed program | • 375 completed program | • 448 completed program |
| • 801 hours community service | • 1125 hours community service | • 1344 hours community service |
| • \$5,406 labor given back to community | • \$8,437 labor given back to community | • \$10,752 labor given back to community |

Recidivism

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Offenders who committed additional crimes:

BACC Participants

- 2006 0
- 2007 4
- 2008 1

.45% rate

Non BACC

- 2006 7
- 2007 40
- 2008 38

1.17% rate

Participant Comments

- “It made me realize this is more than just a beach but a neighborhood”
- “I didn’t expect to hear how these small infractions multiply into larger more serious crimes.”
- “I never considered the dangers of burning pallets. Now it seems obvious and I will tell people about them.”
- “They made me realize the big picture with regards to criminal behavior. It can affect anyone.”
- “I realized that quality of life crimes are disruptive and annoying to residents that live in this area.”
- “I will spread the word about local laws.”

- “It definitely made it more real with having people of the community speak.”
- “Now I know to read signs if I ever go to another beach in another area.”
- “I always heard about this stuff on the TV. Hearing it from people that live here made much more sense.”
- “Their personal stories have helped me realize the negative effects of our actions on their community.”
- “Our collective actions have consequences.”
- “Yes [I would recommend this program to others] it’s insightful and makes you think about how your actions effect the whole, maybe just not that day but next time.”

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Questions?

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October 24, 2008

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL

BEACH AREA NEIGHBORHOOD PROSECUTION INITIATIVE FUND

INTRODUCTION

The Neighborhood Prosecution Unit of the San Diego City Attorney's Office works in partnership with the San Diego Police Department, other agencies, and the community to aggressively and creatively combat crimes that impact quality of life. The unit has dedicated neighborhood prosecutors working on quality-of-life misdemeanor crimes throughout the City. The unit is developing specific initiatives in furtherance of its mission, goals, and objectives, in this case through The Beach Area Prosecution Initiative, the unit has developed The Beach Area Community Court (BACC).

To assist in the funding of these important initiatives, the City Attorney is recommending the establishment of the BACC Neighborhood Prosecution Initiative Fund [Fund] into which offenders participating in BACC will pay administrative fees. These fees will be used to defray the costs of BACC.

BEACH AREA COMMUNITY COURT

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- 1) Accountability of offenders to the community victimized by quality-of-life crimes;
- 2) Proactive intervention to stop chronic criminal conduct; and
- 3) Direct involvement of community members in the criminal justice process.

The beach area of San Diego was selected as an ideal location for a community court because of the quantity of similar minor crimes, and the active participation of residents and business owners in the community. BACC addresses out-of-custody adult offenders who commit specific infractions in the beach area. The focus is on alcohol-related (open container, consumption of alcohol in public, urination in public) and environmental crimes (smoking on the beach, fire ring violations, dog violations, etc.). BACC concentrates on offenders at the infraction level, where the likelihood of rehabilitation is much higher than at the felony level. Eligibility guidelines have been established to limit participation in BACC to those offenders who, based on criminal history and pending charges, do not appear to pose a danger to the community. Based on statistics from the San Diego Police Department, the estimated average monthly caseload for the BACC is 15 in the winter months and approximately 160 in the summer months.

BACC involves a pre-filing model. Prior to the filing of formal charges, the City Attorney's Office, as the City's misdemeanor prosecutor, will refer appropriate, eligible offenders to BACC. Participation in BACC is voluntary. BACC participants will partake in a community impact panel that fosters dialogue surrounding the impact of quality of life crimes on the beach community. The discussion includes a presentation by a trauma nurse focused on good decision-making, and the negative consequences of alcohol-related accidents. Lastly, they will learn about the impact of these types of crimes from the law enforcement perspective through San Diego Police Officers.

In addition to the panel discussion, participants will perform three hours of community work service in the beach area supervised by a partner community-based organization. If offenders complete both the impact panel and community service, their citation will not be filed and they will not have to pay any additional fines or incur any additional penalties. If offenders fail to complete the program, their citation will be filed and they will have to appear at the Kearney Mesa branch of the San Diego Superior Court as instructed on their citation and deal with their case in the usual course.

The first principle of community courts – accountability of offenders to the community – will be satisfied by requiring offenders to repair the harm they have caused the beach area community by participating in community work service, including picking up trash, painting out graffiti, stenciling the rules on the sea wall and trash cans, and sweeping sand from the boardwalk and beach steps.

The second principle of community courts – proactive intervention to stop chronic criminal conduct – will be met by participation in the community impact panel. This educational segment includes an alcohol assessment tool and referral information for people who may have drug or alcohol problems. It also includes valuable information from a health professional about positive decision-making and responsible behavior. The law enforcement portion of the program

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emphasizes the advantages to law-abiding behavior for the offenders and for the community at large. Since its inception in May 2006, 7,235 people were offered BACC, and 1,090 participants completed BACC. Of those who completed BACC, a total of 5 participants committed one subsequent offense, a .45% recidivism rate. During the same time period, of the people who were offered BACC but chose not to participate, 85 people committed one or more subsequent offenses (four of those people committed between 3 and 9 additional offenses), a 1.17% recidivism rate. BACC participants have contributed a total of 3,270 hours of community service into the beach area.

The third principle of community courts – direct involvement of the community in the criminal justice process – is satisfied by involving beach area community members in the coordination of the court, the Community Impact Panel, BACC Advisory Board (BACCAB), and in suggesting and supervising community work service projects. This community participation makes justice more visible, accessible, and proactive. The BACCAB represents the beach area's various neighborhoods and business associations. The composition of the board was developed with significant input from community members. The BACCAB focuses on identifying and prioritizing quality-of-life crime issues, and providing community oversight to BACC operations, including input on community work service projects.

BACC sessions are held once a month during the winter months (or every other month if volume is low), and every week during the summer months. The sessions are currently held at a community recreation center.

FUNDING

On April 28, 2005, the Neighborhood Prosecution Unit under the direction of Angie Reddish-Day submitted an application for the Bureau of Justice Assistance's (BJA) Community-Based Problem-Solving Criminal Justice Initiative. The \$200,000 grant was sought to turn a community court pilot program conducted in August 2005 into a sustainable program. On September 21, 2005, the Office of the City Attorney was awarded the \$200,000 grant. This grant was originally meant to expire August 31, 2007, however, on September 6, 2007 our request for an extension until August 31, 2008 was officially granted. Subsequently, BJA automatically extended the grant period per the BJA disaster relief protocol due to the San Diego wildfires. The grant period will technically end on March 31, 2009; however we project the funds for operational expenses will be exhausted at the end of this month.

Once current funding is exhausted, new funding will need to be allocated to continue the BACC. A portion of the funding could come from the establishment of the Fund, into which offenders participating in BACC will pay administrative fees. The California Penal Code authorizes fee collection for diversion programs. The goal of these programs is to offer eligible offenders educational and rehabilitative programs to curb future recidivism. Penal Code section 1001.1 provides for the implementation of pretrial diversion programs for misdemeanor offenders, and Penal Code section 1101.15(c) allows for administrative fees to be charged for such programs:

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In addition to the fees authorized or required by other provisions of law, a judge may require the payment of an administrative fee, as part of an enrollment fee in a diversion program, by a defendant accused of an act charged as, or reduced to, a misdemeanor to cover the actual cost of processing a request or application for diversion pursuant to Chapter 2.6 (commencing with Section 1000.6), the actual costs of reporting to the court on a defendant's eligibility and the suitability for diversion, the actual cost of supervising the divertee, and for the actual costs of performing any duties required pursuant to section 1000.9, not to exceed three hundred dollars (\$300).

Pursuant to Penal Code section 19.7, all provisions of law relating to misdemeanors apply to infractions unless otherwise provided; therefore, administrative fees may be collected from participants in the BACC.

No offender will be denied participation because of an inability to pay. Offenders unable to pay the administrative fees will be given the opportunity to perform additional community work service to satisfy the fee requirement. The proceeds from the administrative fees collected will be used to defray the costs of operating BACC.

Unfortunately funding provided by the administrative fees alone will not defray the total costs of operating the BACC. Therefore, additional funds will need to be found either through operating efficiencies, new grant sources, or charitable contributions. These additional yearly funds will be approximately \$100,000 per year for the program.

RECOMMENDATION

The BACC was developed with grant funding from the U.S. Department of Justice. To defray a portion of the costs for the BACC, the City Attorney recommends the Council:

- 1) Authorize the City Attorney to collect an administrative fee from persons determined to be eligible to participate in the BACC and who elect to participate,
- 2) Authorize the Comptroller to establish the Beach Area Neighborhood Prosecution Initiatives Fund for the purpose of receiving the fees collected by the City Attorney from persons who participate in the BACC, and

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- 3) Authorize the City Attorney to expend the fees in the Beach Area Neighborhood Prosecution Initiatives Fund to offset operational and staffing costs for the BACC.

Respectfully submitted,

MICHAEL J. AGUIRRE, City Attorney



By

Paul F. Prather, Deputy City Attorney

PFP:js
RC-2008-25

<div style="display: flex; justify-content: space-between;"> 000099 <div> REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO </div> </div>		1. CERTIFICATE NUMBER (FOR AUDITOR'S USE ONLY) <div style="text-align: right;">108 11/18</div>					
TO: CITY ATTORNEY	2. FROM (ORIGINATING DEPARTMENT): CITY ATTORNEY	3. DATE: 10/20/08					
4. SUBJECT: BEACH AREA NEIGHBORHOOD PROSECUTION INITIATIVES FUND							
5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.) Paul F. Prather 619-533-5815, MS 59	6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.) Regan Savalla, 619-533-5682, MS 61	7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED <input checked="" type="checkbox"/>					
8. COMPLETE FOR ACCOUNTING PURPOSES							
FUND	DEPT.	ORGANIZATION					
OBJECT ACCOUNT	JOB ORDER	C.I.P. NUMBER					
AMOUNT							
9. ADDITIONAL INFORMATION / ESTIMATED COST:							
10. ROUTING AND APPROVALS							
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>[Signature]</i>	10/24/08	6	DEPUTY CHIEF		
2	EAS	<i>[Signature]</i>	11/24/08	7	COO		
3	LIAISON OFFICE			8	CITY ATTORNEY	<i>[Signature]</i>	10/24/08
4	FM	<i>[Signature]</i>	10/24/08	9	ORIGINATING DEPARTMENT	<i>[Signature]</i>	10/24/08
5	COMPTROLLER-AUDITING	<i>[Signature]</i>	10/24/08	DOCKET COORD: _____ COUNCIL LIAISON: _____ <input checked="" type="checkbox"/> COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <i>[Signature]</i> <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: 11/15/08			
11. PREPARATION OF: <input checked="" type="checkbox"/> RESOLUTION(S) <input type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S)							
1. Authorize the City Attorney to collect an administrative fee from persons determined to be eligible to participate in the Beach Area Community Court and who elect to participate. 2. Authorize the Comptroller to establish the Beach Area Neighborhood Prosecution Initiatives Fund for the purpose of receiving the fees collected by the City Attorney from persons who participate in the Beach Area Community Court. 3. Authorize the Comptroller to appropriate and expend the fees in the Beach Area Neighborhood Prosecution Initiatives Fund to offset operational costs for the Beach Area Community Court. 4. Find that establishment of fees are for the purpose of meeting operating expenses, including employee wage rates and fringe benefits, and therefore this activity is exempt from CEQA pursuant to Public Resources Code 21080(b)(8).							
11A. STAFF RECOMMENDATIONS: Adopt the resolution as prepared by the City Attorney to allow the City Attorney to collect administrative fees from participants in the Beach Area Community Court, authorize the Comptroller to establish the Beach Area Neighborhood Prosecution Initiatives Fund, authorize the City Attorney to expend fees collected in the Beach Area Neighborhood Prosecution Initiative Fund for the purpose of offsetting operation costs for operating the Beach Area Community Court, and find that the establishment of the fees are for the purpose of meeting operating expenses.							
12. SPECIAL CONDITIONS: <div style="display: flex;"> <div style="width: 25%;"> COUNCIL DISTRICT(S): COMMUNITY AREA(S): ENVIRONMENTAL IMPACT: HOUSING IMPACT: OTHER ISSUES: </div> <div style="width: 75%;"> District 2/ Kevin Faulconer Mission Beach, Pacific Beach, Mission Bay, Ocean Beach This activity is EXEMPT FROM CEQA pursuant Public Resources Code 21080(b)(8) and CEQA guidelines section 15273 N/A </div> </div>							

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DOCKET SUPPORTING INFORMATION

See Attorney Report No. RC-2008-25

SUBJECT:

BEACH AREA NEIGHBORHOOD PROSECUTION INITIATIVES FUND

BY LINE: (CITY MANAGER / DEPT. HEAD / AUTHOR INITIALS)

Michael Aguirre, City Attorney

SIGNATURES:

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION AUTHORIZING THE CITY
ATTORNEY TO COLLECT FEES RELATED TO THE
BEACH AREA COMMUNITY COURT AND
DIRECTING THE COMPTROLLER TO ESTABLISH
THE BEACH AREA NEIGHBORHOOD PROSECUTION
INITIATIVES FUND

WHEREAS, the San Diego City Attorney's Beach Area Prosecution Initiative is designed
to aggressively and creatively combat crimes that impact quality of life; and,

WHEREAS, the Beach Area Community Court has enhanced the quality of life and
improved public access to the justice system in the beach areas of San Diego with the
implementation of a program that holds eligible offenders accountable to the community through
educational, preventative and rehabilitative programs designed to curb future criminal conduct;

NOW THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Attorney is
hereby authorized to collect an administrative fee from persons determined by the City Attorney
to be eligible to participate in the Beach Area Community Court and who elect to participate in
the program. The fee is to be set by the City Attorney, not to exceed limits imposed by state and
local laws, to cover the cost of operation and staffing costs for the Beach Area Community
Court.

BE IT FURTHER RESOLVED, that the City Attorney shall collect the fees at the time
an individual enrolls in the Beach Area Community Court. Any individual unable to pay may
participate by performing additional or alternative community work service as directed by the
Beach Area Community Court.


BE IT FURTHER RESOLVED, that the Comptroller is hereby authorized and directed to establish the Beach Area Neighborhood Prosecution Initiatives Fund for the purpose of receiving the fees collected by the City Attorney from persons who participate in the Beach Area Community Court.

BE IT FURTHER RESOLVED, that the Comptroller is authorized to appropriate and expend the fees in the Beach Area Neighborhood Prosecution Initiatives Fund to offset operational and staffing costs for the Beach Area Community Court. Any monies deposited into the Beach Area Neighborhood Prosecution Initiatives Fund shall be first expended for expenses associated with the operational and staffing costs of contracts with those individuals or entities who provide services to the Beach Area Community Court.

BE IT FURTHER RESOLVED, that the Council finds that the administrative fees are for the purpose of meeting operating expenses and therefore are exempt from CEQA pursuant to Public Resources Code 21080(b)(8).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Paul F. Prather
Deputy City Attorney

PFP:js
10/27/2008
Or.Dept:Attorney
R-2009-524

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor